



1 WHEREAS, Plaintiff Ashlynn Marketing Group, Inc. (“Ashlynn” or  
2 “Plaintiff”) filed a complaint in the above-captioned matter against Defendants  
3 Imperial Tobacco Limited, ITG Brands LLC, and Commonwealth-Altadis, Inc.  
4 (collectively “Defendants”) on April 25, 2016 [ECF No. 1];

5 WHEREAS Defendants filed and served their Answer and Affirmative  
6 Defenses (“Answer”) denying the allegations contained therein on June 14, 2016;

7 WHEREAS simultaneously with Defendants’ Answer, Defendant Imperial  
8 Tobacco Limited (“Imperial Tobacco”) filed and served its Counterclaims against  
9 Ashlynn on June 14, 2016 [ECF No. 9];

10 WHEREAS Defendant Imperial Tobacco filed and served its First Amended  
11 Counterclaims against Ashlynn on August 16, 2016 [ECF No. 15];

12 WHEREAS Ashlynn filed and served its Answer and Affirmative Defenses  
13 to the First Amended Counterclaims denying the allegations contained therein on  
14 September 6, 2016 [ECF No. 16];

15 WHEREAS Plaintiff and Defendants (collectively the “Parties”) entered into  
16 a written confidential Settlement and Co-Existence Agreement (“Settlement  
17 Agreement”) on February 21, 2017 to terminate this action without the need for  
18 further litigation.

19 NOW THEREFORE, the Parties, pursuant to the Settlement Agreement and  
20 Federal Rules of Civil Procedure, Rule 41, hereby jointly and respectfully  
21 move this Honorable Court for an order dismissing the entire action, including  
22 Ashlynn’s Complaint [ECF No. 1] and Imperial Tobacco’s First Amended  
23 Counterclaims [ECF No. 15], each with prejudice, with each party to bear its own  
24 attorneys’ fees and costs.

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1 Dated: February 23, 2017

Respectfully submitted,  
**THE PATEL LAW FIRM, P.C.**

3 /s/ Natu J. Patel

4 Natu J. Patel  
Attorneys for Plaintiff and  
5 Counter-Defendant,  
Ashlynn Marketing Group, Inc.  
6 NPatel@thePatelLawFirm.com

7 Dated: February 22, 2017

Respectfully submitted,  
**DYKEMA GOSSETT LLP**

10 /s/ Allan Gabriel

11 Allan Gabriel  
Attorneys for Defendants  
12 Imperial Tobacco Limited,  
ITG Brands, LLC, and  
13 Commonwealth – Altadis, Inc. and  
Counter-claimant Imperial Tobacco  
14 Limited

**CERTIFICATE OF SERVICE**  
**SOUTHERN DISTRICT OF CALIFORNIA**  
**Case No.: 3:16-cv-01001-CAB-BGS**

The undersigned certifies that on February 23, 2017, the following documents and all related attachments ("Documents") were filed with the Court using the CM/ECF system.

**JOINT MOTION FOR DISMISSAL OF THE ENTIRE ACTION WITH  
PREJUDICE**

Pursuant to CivLR 5.4, all parties to the above case and/or each attorneys of record herein who are registered users are being served with a copy of these Documents via the Court's CM/ECF system. Any other parties and/or attorneys of record who are not registered users from the following list are being served by first class mail.

s/ Natu J. Patel

Natu J. Patel